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OFFICE OF THE COMMUNITY LAWYER

November 30, 2011

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Office of the Secretary
Postal Regulatory Commission
901 New York Ave. NW, Suite 200
Washington, DC 20268-0001

Received

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POSTAL REGULATORY
COMMISSION
OFFICE OF THE SECRETARY

Office of PAGR

Re: Appeal of Lakeville, CT - Docket #1369705-06039, posted August 27, 2011.

BEFORE THE POSTAL RATE COMMISSION

Petitioners are appealing the Postal Service's Final Determination concerning the Lakeville, CT Post Office. The Final Determination was posted August 27, 2011 and indicates that the Lakeville Post Office will be a classified branch, providing delivery and retail services and consolidated with Salisbury Post Office, which will remain the administrative office.

You indicate that the Postal Service, in making a determination whether or not to consolidate a post office shall consider:

- A. the effect of the consolidation on the community;
- B. the effect of the consolidation on employees;
- C. whether the consolidation is consistent with government policy that the Postal Service shall provide a maximum degree of regular postal service to small towns...;
- D. the economic savings to the Postal Service as a result;
- E. other.

You ask Petitioners to supply evidence that the Postal Service did not consider certain required issues; that the facts relied upon by the Postal Service are not valid; or that the facts in the Final Determination are true but do not prove what the Postal Service asserts.

In accordance with the applicable law, 39 USC 404(d)(5), the Petitioners request that the Postal Regulatory Commission review the Postal Service's determination to Consolidate the Lakeville, CT Post Office and Continue to Provide a Classified Branch for the following reasons:

The Final Determination recites various statistics of the Lakeville Post Office. It indicates that the postmaster retired in January 2010. There are other post offices with postmaster positions vacant for longer than the Lakeville post office – but this is not mentioned in the Final Determination. It concludes that there will be a \$55,816 annual savings, presumably the salary of the temporary Lakeville postmaster. This person, however, has been assigned to the Winsted post office, therefore the cost is shifted, not eliminated. It is misleading to claim a savings that is merely being shifted to another post office.

There was a public hearing, as required, on April 21, 2011. 73 people attended, 308 people signed a petition, several businesses and large customers submitted letters. At this hearing, members of the public, including the appellants, asked questions that were not answered by the Post Office representatives, including questions about the number of PO boxes, routes and revenue of other post offices in the area.

There was no opportunity for the public to review and compare information about the performance and other criteria of all area post offices as none was provided. Post Office representatives asserted, without substantiation, that the revenue from Lakeville was less than the revenue from Salisbury. They also asserted that the Lakeville revenue was \$330,000.00 but would not specify whether this was gross or net. Representatives would not provide revenue numbers for Salisbury, or other post offices, despite several attempts at the public hearing and in writing to both the US Postal Service and Congressman Murphy's office.

Under these circumstances, it is impossible for the Petitioners to determine the validity of the sparse information provided the public. This information must be made available to the public in order to understand the basis of the Final Determination.

It is not clear what criteria were used to make this determination and the statements made within this determination are inconsistent with known facts. For example, both Lakeville and Salisbury rank 16, Salisbury has one delivery route and 500 PO boxes, Lakeville has 900 PO boxes (700 rented) and two delivery routes.

One of the stated reasons to declassify Lakeville was that it is without an official postmaster since January 2010. The Salisbury postmistress is retiring soon. Anecdotally, it is reported that the Salisbury Post Office is not busy and that the postmistress closes the office for lunchtime. It would be prudent to appoint a postmaster in the busier Lakeville Post Office.

Of particular concern is that the repercussion of this reclassification is unknown and was not explained. At the public hearing, attendees asked, for example, whether a public hearing was required to close a classified branch. No answer was provided. Questions regarding the potential consequences of this reclassification were not answered. The Lakeville community was lulled into believing that they had succeeded at saving their post office from closing. This may be the case for the near future. Appellants are concerned that the reclassification of the Lakeville post office will facilitate closing the branch in the future.

The October 4, 2011 response from the Postal Service to Congressman Chris Murphy (attached), indicates that notice and comment procedures are extended to discontinuance of classified stations and branches. This is, however, merely a "policy decision" that can be reversed at any time. Many community members question whether the new designation as a classified branch will, eventually, lead to the closing of the branch without public input.

In the end, this decision is looked on with suspicion by the community, due in large part, to the lack of information and unwillingness to provide information to the public. It is also disturbing to the Petitioners that the Final Determination randomly interchanges the terms declassification and closing, which sparked a second petition using the term *closing* after the Final Determination was issued. See attached: editorial from the Litchfield County Times, 10/21/2011; Petitions.

The premise that the burden of proof be placed on the citizenry, that it supply evidence that the Postal Service did not consider certain required issues; that the facts relied upon by the Postal Service are not valid; or that the facts in the Final Determination are true but do not prove what the Postal Service asserts, is flawed when citizens are denied access to the relevant information regarding the operations of the post offices.

The burden cannot be on the citizens to refute Postal Service assertion of facts. The burden must be on the Postal Service to provide to the public the facts and data it intends to use in its decision making process so that it may be reviewed and assessed by the public.

The Petitioners

By Charlene LaVoie

Charlene LaVoie
Community Lawyer/Counsel for Appellants



October 4, 2011

THE HONORABLE CHRISTOPHER S. MURPHY
UNITED STATES HOUSE OF REPRESENTATIVES
114 WEST STREET, SUITE 206
NEW BRITAIN CT 06051

Dear Representative Murphy:

This letter is in response to your correspondence dated September 22, 2011 with the question from your constituent Mr. Etienne Delessert concerning the process for closing a post office branch verse a post office.

The Postal Service applies handbook, ***Postal Service-Operated Retail Facilities Discontinuance Guide – PO 101***, was updated in July 2011. This handbook outlines the procedures applicable to the discontinuance process and emphasizes customer participation in such investigations.

As a policy decision, the Postal Service now extends the notice and comment procedures for Post Office discontinuance investigations to discontinuance of Classified Stations and Classified Branches. The new provisions are not retroactive and will remain in force until such time as any additional changes are necessary in response to future legislative or regulatory changes. As information, the most recent update to this text was in 2005.

If you should have any additional concerns regarding this matter, please me at (860) 524-6496.

Sincerely,

Manager, Consumer and Industry Contact

141 WESTON STREET
HARTFORD, CT 06101-9900
(860) 524-6137
FAX: (860) 524-6199

You've Got Mail?

VCLW
Etienne Delessert of Lakeville received notification of his appeal's docket number this week through the U.S. mail. That could be seen as an irony, since he is appealing the U.S. Postal Service's decision to declassify—and perhaps to close—his post office. The USPS is reviewing post offices and moving to close those whose leases are expiring or lack a postmaster, unless compelling reasons are advanced to keep them open. In Salisbury, of which Lakeville is a part, the postal service has opted to declassify Lakeville and make it a branch of the Salisbury Post Office. Theoretically, the Lakeville office would remain open for business, but Mr. Delessert and others are skeptical.

The USPS has not provided requested information, deepening the appellants' suspicion about the move.

It is unclear why the postal service has opted to close the larger of Salisbury's two post offices, but when community services are being disrupted, the agency at least owes the community access to the information being used to decide the fate of an important town function.

10/21/11 LCT

"Every science begins as philosophy and ends as art."
Will Durant

THE LITCHFIELD COUNTY TIMES

**We, the undersigned residents, are opposed to
closing the Lakeville Post Office and endorse
the attached appeal**

Name:

Address:

Stephanie Pellegrino
Chrissy Reid
Meredith Wright
Linda Sloane
Frank Pellegrino
STAR HERRMANN
Karen Kossup
Francis Kossup
Christ Rich
Robin O'Connor
STEVEN COOPER
Martha Zani
MARGUERITE DORGER
Dinya Spumalis
Berkana Patterson
Janice Hytton
Kathryn O'Connell Mellon
W. Miles Mellon
Chris Gasparico
Susan Parker Boyd
Shirley K. Blams
Helen Michels
Sally Wilburn
Joan Curcio
Gina Wadsworth
James McEwan
Harriette Brainard
Julie Andersen

**We, the undersigned residents, are opposed to
closing the Lakeville Post Office and endorse
the attached appeal**

Name:

Address:

Janet Lynn
Edith Hoage
Hewlett Wright
Rosha Rabel
Elizabeth Mastopietro
Pamela Sands
Mary Dzombis
Barbara Marshall
Anne Mahogee
Jenelle Krissel
Carl Wagner
Gerdy Anderson
Rhys Kinnorsland
Robert Schmitt
Margaret Schwaibert
Roz Leech
Denise Lapp
Virginia Fries
Kimberly Tauch
Wendy Leitch
Doreen Lloyd
Mera Holmes
Serena W. Granberg
LLOYD WALLINGFORD
Brian Sprague
Bruce Fore Lopez
Lynn + Dot Kaulen
Michael Jarway + Barbara Marten

**We, the undersigned residents, are opposed to
closing the Lakeville Post Office and endorse
the attached appeal**

Name:

Address:

Pamela Kaham - Collier
Charles Chursh
John T. Jennings
Kristi WOLTER
Patty Mullins
Michelle Hill
Kathy Lauretano
J. Thiencker
Paul Eames
Ann Areusberg
Richard Crossman
Henry Hegdler
Michael Hill
Richard Olson
Randy Brattall
Joahn Palmer
Cynthia Rhys
Elena Miller
Thomas H. Hamford
Corey EDREN
Betsy Stratton
Crista Russ
Ed. ERBACHER
Nancy McKelvey
William McKelvey
Janet Kaufman
d. paisley hillegeist
Richard D'Amico

**We, the undersigned residents, are opposed to
closing the Lakeville Post Office and endorse
the attached appeal**

Name:

Address:

SPENCER REISS
Karen Faveau
Kimberlee Funeone
John Briscoe
Patricia Farnham
Susan Williamson
Mike Barry
John S.
Susan M. Schuchter
Steve Brant
Dylan Baker
Sierra Fleury
Crystal Marks
Howard Brammer
Angela Greene-Wiggins
Robert Sherman
Richard E. Hart
R.S. Friis
James Levin
Barbara Cambridge
Michael M. Westcott
Colleen Lopez Skintette
Don Barth
John M. Maceo
Dawn L. Beard
John M. Maceo
Susan Galley

**We, the undersigned residents, are opposed to
closing the Lakeville Post Office and endorse
the attached appeal**

Name:

Address:

David Bayle

Mary Delasgale

Alberici V

McBry

Melina Kross

Brian Propper

Linda Spellace

John & Mrs. Pittman

Maryn Cate

加中 471115

Case 1: A Calmly Caring Call

Set Nam Nam

John P. Monahan
Niko Nikolov

David Bachman

✓ Anna: Human

COMMISSIONER

Wendy B. Ham

Michael O'Brien

Kita Marshall

Gifts Vg/Can

Robert Streng

Clement M. Shanon

Shen George Silverman

Barry L. Brown

PHen Passoni

Diary Bimbi

Jan Mitchell

12 12 12

10/11/11

Name:

Frank-Alsid de Chamberen
Richard D. Spoor
Harold Brien
Maurice Brien

**We, the undersigned residents, are opposed to
closing the Lakeville Post Office and endorse
the attached appeal**

Name:

Address:

Tara Kelly

Holly P. Reid

Kathy Skottelle

Michael J. FLINT

Eva Kfeldt

Ellie Owens

Nang Lahar

M. Kate Keira

Valter Demus

Ukraina Komin

Kathleen Mura

Rice Yonkers
